



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,980	03/15/2000	Peter Newman	4467	9729

758 7590 01/02/2004

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA. 94041

EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/526,980

Applicant(s)

NEWMAN ET AL.

Examiner

DAVID Y. ENG

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9,11. 6) ☐ Other: _____

Art Unit: 2155

The information disclosure statement filed 7/30/2003 (paper #9) fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Prior art item cc in paper number 9 IDS has not been considered because there is no copy provided to the Examiner. A web-cite is not a permanent cite.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not seen how the system and the method claims as recited are able to route signals in a network systems having overlapping address spaces.

With respect to claims 29-32, the claims fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention in that Applicants' invention does not appear to be program codes because there is no program disclosed in the specification. To overcome the rejection, the following claim language in the preamble is suggested " A computer readable storage medium tangibly embodying program instructions for....".

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera (USP6,247,057) in view of Herzog (6,425,003).

With respect to 1, 3-5, 8, 13, 16, 19-22, 29 and 31, see at least Figures 1-8 and the corresponding description in Barrera. Barrera teaches a system (Figure 1) for providing private network services (virtual service 42(1) and virtual service 42(2)) using private addresses in a location remote (see "remote -client" in line 42 of column 1, line 29 of column 8 and lines 13-18 of column 10) from private network users (client 24(1) and 24(2)), comprising:

a host computer (22) executing a plurality of private virtual servers (virtual service 42(1) and virtual service 42(2), see lines 1-3 of column 5), each private virtual server associated with a private address space (see "address space" in line 7-8 of column 2) and providing private network services to the private network's users (clients), the private network's users located remotely from the private virtual server, wherein a first private network address space associated with a first virtual server and a second private network address space associated with a second virtual server overlap; and

a multiplexing/de-multiplexing mechanism (40 and 46 in figure 1) executed by the host computer, and communicatively coupled to a network to receive a signal from a private network user and to route the received signal to the private virtual server associated with the private network user's network.

Barreta does not make clear whether address spaces of virtual servers are overlapping (claims 1, 3-5, 8, 13, 16, 19-22, 29 and 31) and whether tunneling (claims 2, 9-12, 14, 15, 17, 18, 23-28, 30 and 32) is employed. Herzog teaches a network communication system having Service Selection Gateway allowing overlapping address spaces (see lines 17-18 of column 1). Herzog also teaches tunneling (see line 34-35 of

column 3). From the teaching of Herzog, it would have been obvious to a person or ordinary skill in the art to incorporate tunneling in Barreta such that the virtual servers have an effect of private server and such that virtual servers are allowed to have overlapping address spaces.

With respect to claim 6, see EMS 46 in Figure 1 and tables in Figure 6 and the corresponding description.

With respect to claim 7, Figure 8 in Barreta also teaches a system having a plurality of hosts (servers 1-4) each of which is for implementing a plurality of virtual servers.

With respect to claim 12, see EMS 46 in Figure 1 and tables in Figure 6 and the corresponding description).

In the communication filed on 10/14/2003, Applicants contended that Barreta does not teach overlapping of address spaces. Note that there are no details recited in the multiplexing/de-multiplexing mechanism to show how overlapping address space is resolved. Further, Herzog teaches overlapping address spaces.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2155

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

A handwritten signature in black ink, appearing to read 'David Y. Eng', with a long horizontal flourish extending to the right.

DAVID Y. ENG
PRIMARY EXAMINER